

# HOUSE BILL 1387

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By: **Delegates Bobo, Donoghue, and Pena-Melnyk**

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Pharmacists – Disposal of Unused Prescription Drugs**  
3 **(“Operation Take-back”)**

4 FOR the purpose of requiring certain containers of prescription drugs to include  
5 certain information; requiring certain labels of prescription drugs to include a  
6 certain notice; requiring certain pharmacists to include a certain information  
7 sheet with certain prescription drugs; requiring pharmacies to develop a  
8 program for the disposal of unused prescription drugs; requiring the program to  
9 include the provision of certain containers; requiring pharmacies to dispose of  
10 certain containers in a certain manner; requiring pharmacies to post a certain  
11 notice; and generally relating to the disposal of unused prescription drugs.

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 12–505  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume)

17 BY adding to  
18 Article – Health Occupations  
19 Section 12–505.1  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume)

22 Preamble

23 WHEREAS, It is in the public interest that prescription drugs that have  
24 outlived their expiration date or are in excess of a patient’s need should be disposed of  
25 in a safe and efficient manner; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Unused prescription drugs that are intended for one family  
2 member pose the threat of improper use by other family members; and

3 WHEREAS, Unused prescription drugs that are disposed of improperly pose a  
4 direct threat to water quality; now, therefore,

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Health Occupations**

8 12–505.

9 (a) Except for a drug or device dispensed to an inpatient in a hospital or  
10 related institution, each container of a drug or device dispensed shall be labeled in  
11 accordance with this section.

12 (b) In addition to any other information required by law, the label shall  
13 include:

14 (1) The date the prescription is filled; and

15 (2) Unless otherwise required by the prescriber:

16 (i) An expiration date of the drugs or devices which shall be the  
17 lesser of:

18 1. 1 year from the date of dispensing;

19 2. The month and year when the drugs or devices expire;

20 3. The appropriate expiration date for repackaged drugs  
21 or devices; or

22 4. A shorter period as determined by the pharmacist;

23 (ii) Any appropriate special handling instructions regarding  
24 proper storage of the drugs or devices **AND DISPOSAL OF UNUSED PRESCRIPTION**  
25 **DRUGS AS PROVIDED IN § 12–505.1 OF THIS SUBTITLE**; and

26 (iii) Subject to the provisions of subsection (c) of this section, the  
27 name and strength of the drugs or devices.

28 (c) (1) Except as provided in paragraph (2) of this subsection, the label  
29 shall indicate the same name for the drug or device as that used by the authorized  
30 prescriber.

1 (2) If, under § 12-504 of this subtitle, the pharmacist substitutes a  
2 drug or device product for that named by the authorized prescriber, the label shall  
3 indicate both the name of the drug or device product and the name of the  
4 manufacturer or distributor of the drug or device dispensed.

5 (d) (1) Except as provided in this subsection, if an authorized prescriber  
6 dispenses a drug or device, the prescriber shall label each container of the drug or  
7 device.

8 (2) In addition to any other information required by law, the  
9 authorized prescriber shall include on the label:

10 (i) The name and strength of the drug or device;  
11 (ii) The date the prescription is dispensed;  
12 (iii) An expiration date of the drug or device which shall be the  
13 lesser of:

14 1. 1 year from the date of dispensing;  
15 2. The month and year when the drug or device expires;  
16 or  
17 3. A shorter period as determined by the authorized  
18 prescriber; and

19 (iv) Any appropriate special handling instructions regarding  
20 proper storage of the drug or device.

21 (3) The labeling requirements of this subsection do not apply if the  
22 authorized prescriber dispenses the drug or device:

23 (i) To an inpatient in a hospital or related institution;  
24 (ii) In an emergency situation; or  
25 (iii) As a sample drug or device dispensed in the regular course  
26 of the authorized prescriber's practice.

27 (e) So long as any of the original contents remain in the container, a person  
28 may not alter, deface, or remove any label required by this section.

29 **12-505.1.**

30 **(A) EXCEPT FOR A PRESCRIPTION DRUG DISPENSED TO AN INPATIENT**  
31 **IN A HOSPITAL OR RELATED INSTITUTION, EACH CONTAINER OF A**

1 PRESCRIPTION DRUG DISPENSED TO A RETAIL CONSUMER SHALL BE LABELED  
2 IN ACCORDANCE WITH THIS SECTION.

3 (B) (1) IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY  
4 LAW, THE LABEL SHALL INCLUDE A NOTICE ADVISING THE RETAIL CONSUMER  
5 OF THE PROPER DISPOSAL OF ANY UNUSED PRESCRIPTION DRUGS IN THE  
6 CONTAINER.

7 (2) IF A DRUG IS ON THE FEDERAL DRUG ADMINISTRATION LIST  
8 OF UNUSED DRUGS THAT SHOULD BE FLUSHED DOWN THE TOILET, THE NOTICE  
9 SHALL STATE: "FLUSH UNUSED PORTIONS OF THIS DRUG DOWN THE TOILET."

10 (3) IF A DRUG IS NOT ON THE FEDERAL DRUG ADMINISTRATION  
11 LIST OF UNUSED DRUGS THAT SHOULD BE FLUSHED DOWN THE TOILET, THE  
12 NOTICE SHALL STATE: "DISPOSE OF UNUSED PORTIONS OF THIS DRUG IN  
13 ACCORDANCE WITH THE ENCLOSED INFORMATION SHEET."

14 (C) A PHARMACIST SHALL INCLUDE WITH EACH PRESCRIPTION DRUG  
15 DISPENSED AN INFORMATION SHEET THAT PROVIDES THE CURRENT FEDERAL  
16 DRUG ADMINISTRATION GUIDELINES FOR DRUG DISPOSAL THAT ARE  
17 AVAILABLE FROM THE FEDERAL DRUG ADMINISTRATION INTERNET WEBSITE.

18 (D) (1) EACH PHARMACY SHALL DEVELOP A PROGRAM FOR THE  
19 DISPOSAL OF UNUSED PRESCRIPTION DRUGS.

20 (2) THE PROGRAM SHALL INCLUDE THE PROVISION OF A SECURE  
21 CONTAINER INTO WHICH THE CONSUMER MAY DEPOSIT UNUSED DRUGS FOR  
22 DISPOSAL BY THE PHARMACY.

23 (3) THE CONTAINERS SHALL BE PLACED IN A CONSPICUOUS  
24 LOCATION IN THE AREA OF THE PHARMACY WHERE PRESCRIPTION DRUGS ARE  
25 DISPENSED TO THE PUBLIC.

26 (4) THE PHARMACY SHALL DISPOSE OF THE CONTAINERS IN THE  
27 MANNER RECOMMENDED BY THE FEDERAL DRUG ADMINISTRATION.

28 (5) A PHARMACY SHALL PLACE ON PERMANENT DISPLAY A  
29 WRITTEN NOTICE THAT IS IN A TYPEFACE THAT IS LARGE ENOUGH TO BE EASILY  
30 LEGIBLE TO THE AVERAGE PERSON FROM A DISTANCE OF 8 FEET AND THAT IS  
31 IN A LOCATION THAT IS PLAINLY VISIBLE TO THE RETAIL CONSUMERS OF THE  
32 PHARMACY NOTIFYING THE CONSUMERS OF:

33 (I) THE AVAILABILITY OF THE PRESCRIPTION DRUG  
34 DISPOSAL PROGRAM; AND

1                                   **(ii) THE POSITIVE EFFECT ON WATER QUALITY DERIVED**  
2 **FROM THE PROPER DISPOSAL OF UNUSED PRESCRIPTION DRUGS.**

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2010.